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**MS AF**  
**RESPONSE UNDER**  
**37 C.F.R. § 1.116**  
**EXPEDITED PROCEDURE**  
**EXAMINING GROUP 1638**

**PATENT**  
**1912-0303PUS1**

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: VEZINA et al. Conf.:  
Appl. No.: 09/678,303 ✓ Group: 1638  
Filed: October 3, 2000 Examiner: G. Helmer  
For: PROMOTOR FOR REGULATING EXPRESSION OF  
FOREIGN GENES

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

**MS AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 1, 2005

Sir:

Applicants hereby appeal to the Board of Appeals from the Office Action dated June 3, 2003 of the Primary Examiner twice rejecting claims 1, 2, 5, 9 and 10.

This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of ( ) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Office Action. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

An extension of ( ) month(s) for responding to the Office Action was previously requested and paid for on . Thus a fee of \$0.00 is required to obtain an additional ( ) month(s) for filing the Notice of Appeal.

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$500.00

Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$500.00.

Payment of the above TOTAL FEE is being made in the following manner:

Check(s) in the amount of \$500.00 is/are enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
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*KLR*  
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